
JAMMU AND KASHMIR: A REFERENCE TO AMENDED PROVISIONS OF ARTICLE 370 OF CONSTITUTION OF INDIA

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ABSTRACT

The nation underwent transformation on 5th August 2019 wherein the amendments were made in Article 370 of the Constitution of India through the Presidential Order which has brought the revolutionary challenges as the nation has faced the trauma in last seven decades and the entire nation has been suffering from the disaster of terrorism and all kinds of aggression from the neighbouring country and the State of Jammu and Kashmir was fragmented into two diverse union territories which were known as the Union Territory of Jammu and Kashmir and the Union Territory of Laddakh. This research paper dealt with the analysis of the changes in the rights of the people of the erstwhile State of Jammu and Kashmir and the legal aspect arisen after the transformation of the legal entities as well as the rights of the people of the personnel of the across the nation. The aim of the paper is to understand the transformation in the various legal aspects which can be tested on the touchstone of the Constitutional provisions mandated by the founding fathers of the nation.

INTRODUCTION

In this there will be conversation on the historical aspects which has prompted instrument of accession. Ranbir Singh's grandson Hari Singh was the authoritative ruler in 1947 when India got autonomy. Individuals began unrest in the Poonch district countering the oppressive and lopsided tax assessment by the King of the Jammu and Kashmir and in the period of August the powers of the King terminated upon the shows for joining the recently framed Pakistan. The Rebellions of the Poonch zone proclaimed the autonomy of the Valley locale on 24 October 1947 and the revolutionaries announced it as Azad Kashmir. The leaders of the Princely States were given choice either to join the domain of India or to join the territory of Pakistan. The number of inhabitants in the Kashmir was separated among Hindu and Muslim with the number of inhabitants in 3/4 and 1/4. The King of Jammu and Kashmir consented to stoppage with the Pakistan and comparative arrangements were anticipated with the domain of India. Further, the regions of Pashtuns and North-Western Frontier enlisted by the Poonch rebels, vanquished Kashmir to scare the King Hari Singh. The King Hari Singh drew nearer and mentioned Governor-General Lord Mountbatten for help and Lord Mountbatten acquiesced his solicitation with the perquisite that the King Hari Singh should join the domain of India. The King Hari Singh marked the Instrument of Accession. India acknowledged the Instrument of Accession and permitted the joining, with respect to it temporary until such time as the desire of individuals can be determined by a submission.

ARTICLE 370: AFTER SIGNING OF INSTRUMENT OF ACCESSION

The United Nations was then invited to mediate the quarrel. The United Nations mission insisted that the opinion of Kashmiris must be ascertained. There was insistence that there was no referendum until all the disputes arisen had been settled. The accession of the State of Jammu and Kashmir to India and Pakistan shall be decided through a free and impartial poll in resolution passed in UNCIP in the year 1949 which was accepted by both the countries and both the forces were withdrawn by the both the countries. However, both countries failed to arrive at a Truce agreement due to differences in interpretation of the procedure for and extent of de-militarization one of them being whether the Kashmiri army was to be disbanded during the truce stage or the plebiscite stage. The provision was drafted in 1947 by Sheikh Abdullah, who had by then been appointed prime minister of Jammu & Kashmir by Maharaja Hari Singh & Jawahar Lal Nehru. Shiekh Abdullah had argued that Article 370 should not be placed under temporary provisions of the Constitution. He wanted '**iron clad autonomy**' for the state, which

Centre didn't Comply with. On **17 October**, 1949 the Indian Constituent Assembly adopts **Article 370** of the Constitution, ensuring a special status and internal autonomy for Jammu and Kashmir, with Indian jurisdiction in Kashmir limited to the three areas agreed in the Instrument of Accession, namely, defence, foreign affairs and communications. It restricted Parliament's legislative powers in respect of Jammu and Kashmir for extending a central law on subjects included in the Instrument of Accession (IoA), mere "Consultation" with the state government was needed, but for extending it to other matters, "Concurrence" of the state government was mandatory. The Instrument of Accession came into play when the Indian Independence Act, 1947 divided British India into India and Pakistan.

CONSTITUTIONAL PROVISION OF ARTICLE 370

Article 370 of the Indian Constitution was a '**temporary provision**' which grants special autonomous status to Jammu and Kashmir. Under part XXI of the Constitution of India which deals with "*Temporary, Transitional & Special provisions*", the State of Jammu & Kashmir has been accorded special status under Article 370. All the provisions of the Constitution which were applicable to other states were not applicable to Jammu and Kashmir, for example, Jammu and Kashmir had a Sadr-e-Riyasat for Governor & Prime Minister in place of Chief Minister. According to this Article, except defence, foreign affairs, & communication, Parliament needs the state government's concurrence for applying all other laws. Thus, the state's residents live under a separate set of laws, including those related to citizenship, ownership of property, and fundamental rights, as compared to other Indians. As a result of this provision, Indian citizens from other states cannot purchase land or property in Jammu & Kashmir. Under Article 370, the Centre had no power to declare emergency in the state except in case of war or external aggression. The Union government can therefore not declare emergency on grounds of internal disturbance or imminent danger unless it was made at the request or with the concurrence of the state government.

Why some oppose "Article 370: A disputed issue" and wanted it removed (*Before the amendment*)

- Denial of Legal right to purchase property: Indians (non-localities) could not purchase immovable property in J&K.

- Deprivation of the right to vote: Indians, even if residents could not vote in Jammu and Kashmir.
- Denial of Jobs: Indians could not get Govt Jobs in Jammu and Kashmir.
- Detrimental to women of the state: Women married to non-locals lose their citizenship, could not get jobs or admissions into colleges.
- Victimization of Hindu Immigrants: Hindus immigrations from West Pakistan denied citizenship even until now.
- Incapability to alter the boundaries of Kashmir: Parliament could not control border.
- Non-acceptance of Hindi as National language.
- No Investigating agencies in Kashmir.

WHAT WERE THE TERMS INCLUDED IN THE INSTRUMENT OF ACCESSION FOR KASHMIR?

The Schedule appended to the Instrument of Accession gave Parliament the power to legislate in respect of J&K only on Defence, External Affairs and Communications. In Kashmir's Instrument of Accession in Clause 5, Raja Hari Singh (ruler of J and Kashmir), explicitly mentioned that the terms of my Instrument of Accession cannot be varied by any amendment of the Act or of Indian Independence Act unless such amendment is accepted by me by an Instrument supplementary to this Instrument. "Clause 7 said "nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution".

SIGNIFICANCE FOR THE ARTICLE 370 FOR THE INDIAN UNION

Article 370 itself mentions Article 1, which includes J&K in the list of states. Article 370 was described as a tunnel through which the Constitution was applied to J&K. Nehru, however, said in Lok Sabha on November 27, 1963 that "**Article 370 was eroded**". India used Article 370 at least 45 times to extend provisions of the Indian Constitution to J&K. This was the only way through which, by mere Presidential Orders, India almost nullified the effect of J&K's

special status. By the 1954 order, almost the entire Constitution was extended to J&K including most Constitutional amendments. 94 of 97 (now 100) entries in the Union List are applicable to J&K; 26 out of 47 (now 52) items of the Concurrent List had been extended; 260 of 395 (approx. 448) Articles had been extended to the state, besides 7 of 12 Schedules.

The Centre has used Article 370 even to amend a number of provisions of J&K's Constitution, though that power was not given to the President under Article 370. Article 356 was extended though a similar provision that was already in Article 92 of the J&K Constitution, which required that President's Rule could be ordered only with the concurrence of the Assembly. To change provisions for the Governor being elected by the Assembly, Article 370 was used to convert it into a nominee of the President. To extend President's rule beyond one year in Punjab, the government needed the 59th, 64th, 67th and 68th Constitutional Amendments, but achieved the same result in J&K just by invoking Article 370. Again, Article 249 (power of Parliament to make laws on State List entries) was extended to J&K without a resolution by the Assembly and just by a recommendation of the Governor. In certain ways,

Article 370 reduces J&K's powers in comparison to other states. It was more useful for India than J&K.

REQUIRMENT OF ARTICLE 370 AND RELATIONSHIP WITH ARTICLE 35A

Article 3 of the **J&K Constitution** declares J&K to be an integral part of India. In the Preamble to the Constitution, not only there was no claim to sovereignty, but there was categorical acknowledgement about the object of the J&K Constitution being "to further define the existing relationship of the state with the Union of India as its integral part thereof.

Moreover, people of state were referred as 'permanent residents' not 'citizens.'" Article 370 was not an issue of integration but of autonomy of J & K. Those who advocate its deletion were more concerned with uniformity rather than integration. Article 35 A stems from Article 370, having been introduced through a Presidential Order in 1954. Article 35A was unique in the sense that it does not appear in the main body of the Constitution. Article 35 was immediately followed by Article 36 but is annexed in Appendix I. Article 35A empowered the Jammu and Kashmir legislature to define the state's permanent residents and their special rights and privileges.

WHY WAS IT BEING CHALLENGED?

The Supreme Court examined the validity of Article 35A in 2017 and considered the various aspects on legal framework and tested the concept of promulgation of ordinance & timeperiod of validity of presidential order on touchstone of constitutional provisions & held that since the operation of Article 35A remained in operation for more than 6 decades, although not legal; it has taken the shape of permanency hence the status quo shall be maintained. Article 370 was not only part of the Constitution but also part of federalism, which was the basic structure. Since Article 35A predates basic structure theory of 1973, as per Waman Rao judgment of

Hon'ble Supreme Court, it could not be tested on the touchstone of basic structure. Certain types of restrictions on purchase of land were also in place in several other states, including some in the Northeast and Himachal Pradesh. Domicile-based reservation in admissions and even jobs is followed in several states, including under Article 371D for undivided Andhra Pradesh.¹

LEGAL ASPECTS OF ARTICLE 370

Article 370 of the Constitution of India was a 'temporary provision' inserted on October 17, 1949 which gave special powers to the state of **Jammu and Kashmir** allowing it to have its own constitution. Accordingly, the provisions of only Article 1 and Article 370 of the Indian Constitution applied to the state. So, for the Central government to extent the coverage of a central law to the state on subjects included in the **Instrument of Accession (IoA)**, it needed "consultation" while for extending the coverage of laws on other subjects, it needed "concurrence" of the state government. Similarly, **Article 35A of the Constitution of India**, introduced through a constitutional order in 1954, allowed the state legislature to define 'permanent residents'. Those defined as permanent residents were entitled to property rights, employment, scholarships, and other social benefits in the state.

ARTICLE 370 EMBODIES SPECIAL PROVISIONS FOR JAMMU AND KASHMIR

The six special provisions embedded under Article 370 were as under:

¹ (1981) 2 SCC 362

- (i) It exempted the State from the provisions of the Constitution providing for the governance of the States. Jammu and Kashmir was allowed to have its own Constitution within the Indian Union.
- (ii) Parliament's legislative power over the State was restricted to three subjects - defence, external affairs and communications. The President could extend to it other provisions of the Constitution to provide a constitutional framework if they related to the matters specified in the Instrument of Accession. For this, only "consultation" with the State government was required since the State had already accepted them by the Instrument.
- (iii) If other "constitutional" provisions or other Union powers were to be extended to Kashmir, the prior "concurrence" of the State government was required.
- (iv) It had to be ratified by the State's Constituent Assembly. Article 370(2) says clearly: "If the concurrence of the Government of the State in reference to above provisions be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon."
- (v) The State government's authority to give the "concurrence" lasts only till the State's Constituent Assembly was "convened". *It was an "interim" power.* Once the Constituent Assembly met, the State government could not give its own "concurrence". Still less, after the Assembly met and dispersed. Moreover, the President cannot exercise his power to extend the Indian Constitution to Kashmir indefinitely. The power must stop at the point the State's Constituent Assembly drafted the State's Constitution and decided finally what additional subjects to confer on the Union, and what other provisions of the Constitution of India it should get extended to the State, rather than having their counterparts embodied in the State Constitution itself. Once the State's Constituent Assembly had finalized the scheme and dispersed, the President's extending powers ended completely.
- (vi) The last step in the process, was that Article 370(3) empowers the President to make an Order abrogating or amending it. But for this also "the recommendation" of the State's Constituent Assembly "shall be necessary *before* the President issues such a notification was required".

AFTER AMENDMENT OF ARTICLE 370

All provisions of this Constitution, as amended from time to time, without any modifications or exceptions, shall apply to the State of Jammu & Kashmir notwithstanding anything contrary contained in any other article of this Constitution or any other provision of the Constitution of Jammu & Kashmir or any law, document, judgment, ordinance, order, by-law, rule, regulation, notification, custom or usage having the force of law in the territory of India, or any other instrument, treaty or agreement as envisaged under article 363 or otherwise.

THE ARTICLE 370 AMENDMENTS: KEY LEGAL ISSUES²

In essence, to understand what has happened recently, there are three important documents. At the heart of everything is *Presidential Order C.O. 272*, which constitutes the basis for everything that follows. The second is a *Statutory Resolution* introduced in the Rajya Sabha, which – *invoking the authority that flows from the effects of Presidential Order C.O. 272* – recommends that the President abrogate (much of) Article 370. The third is the *Reorganization Act, 2019*, that breaks up the state of Jammu & Kashmir into the Union Territories of Ladakh (without a legislature) and Jammu & Kashmir (with a legislature). (It came into effect on 9th August' 2019).

Article 370, as is well known, limited the application of the provisions of the Indian Constitution to the state of Jammu & Kashmir. Under Article 370(1)(d), constitutional provisions could be applied to the state from time to time, as modified by the President through a Presidential Order, and upon the concurrence of the state government (this was the basis for the controversial Article 35A). Perhaps the most important part of 370, however, was the proviso to clause 3. Clause-3 itself authorized the President to pass an order removing or modifying parts of Article 370. The proviso stated that:

“Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification”.

In other words, therefore, for Article 370 *itself* to be amended, the recommendation of the Constituent Assembly of J&K was required. Now, the Constituent Assembly of J&K ceased

² <https://www.bloomberquint.com/opinion/the-article-370-amendments-key-legal-issues>

functioning in 1957. This has led to a long-standing debate about whether Article 370 has effectively become *permanent* (because there is no CA to give consent to its amendment), whether it would require a revival of a J&K CA to amend it, or whether it can be amended through the normal amending procedure under the Constitution. Now, for that purpose the state legislature of J&K shall be treated as in lieu of CA.

C.O. 272, however, takes an entirely different path. C.O. 272 uses the power of the President under Article 370(1), to *indirectly* amend Article 370(3), via a third constitutional provision of. **Article 367** provides various guidelines about how the Constitution may be interpreted. Now, C.O. 272 *adds* to Article 367 an additional clause, which has four sub-clauses. Sub-clause 4 stipulates that “in proviso to clause (3) of Article 370 of this Constitution, the expression ‘Constituent Assembly of the State referred to in clause (2)’ shall read “legislative Assembly of the State.”

In other words, this is what has happened. **Article 370(1) allows the President** – with the concurrence of the government of J&K (more on that in a moment) – to amend or modify various provisions of the Constitution in relation to J&K. Article 370(3) proviso states that Article 370 *itself* is to be amended by the concurrence of the Constituent Assembly. C.O. 272, therefore, uses the power under 370(1) to amend a provision of the Constitution (Article 367) *which*, in turn, amends Article 370(3), and *takes out* the Constituent Assembly’s concurrence for any further amendments to Article 370. And this, in turn, becomes the trigger for the *statutory resolution*, that recommends to the President the removal of (most of) Article 370 (as the Constituent Assembly’s concurrence is no longer required).

THIS IS VERY CLEVER. IS IT LEGAL? ³

One serious objection is **Article 370(1)(c)**. Article 370(1)(c) (un-amended) stated that “*notwithstanding anything contained in this Constitution, the provisions of Article 1 and **this Article** shall apply in relation to that State.*” This is crucial, because it makes clear that the power of the President to amend provisions of the Constitution in relation to J&K does not extend to Article 1 and “this Article”, i.e., *Article 370 itself*. 370(1)(d) makes it even clearer where it refers to the “other provisions” of the Constitution that may be altered by Presidential Order (and this is how the present Presidential Order is different from previous ones, such as those that introduced Article 35A). Article 370 itself, therefore, cannot be amended by a

³ Idem.

Presidential Order such as C.O. 272 (the one exception was a **Clarificatory** amendment, which is not analogous to this one).

Now, it may be immediately objected that C.O. 272 does not amend Article 370: it amends Article 367. The point, however, is that the *content* of those amendments do amend Article 370, and as the Supreme Court has held on multiple occasions, you cannot do indirectly what you cannot do directly. I would therefore submit that the legality of C.O. 272 – insofar as it amends Article 370 – is questionable, and as that is at the root of everything, it throws into question the entire exercise.

There is a second important point to be noted here. C.O. 272 says – as it must – that the concurrence of the government of the state of Jammu and Kashmir has been taken. However, Jammu and Kashmir has been under President's Rule for many months now. Consequently, the consent is that of the Governor. However, there are two serious problems with basing C.O. 272 upon the consent of the Governor. The first is that the Governor is a representative of the Central Government – like the President. In effect, therefore, Presidential Order 272 amounts to the Central Government taking its own consent to amend the Constitution.

There is, however, a more important issue. President's Rule (Governor's rule for that purpose) is temporary. It is only meant to happen when constitutional machinery breaks down in a state, and an elected government is impossible. President's Rule is meant to be a standin *until* the elected government is restored. Consequently, decisions of a *permanent* character – such as changing the entire status of a state – taken *without* the elected legislative assembly, but by the Governor, are inherently problematic. *Formally*, they may be within the bounds of legality; however, as the Supreme Court held in *D.C. Wadhwa*, on the question of repromulgation of Ordinances, formal legality can nonetheless, in effect, amount to a fraud on the Constitution. Using the Governor to sign off on a Presidential Order that fundamentally alters the constitutional character of a federal unit appears, to me, to be straying dangerously close to the constitutional fraud line. For these two reasons, therefore – *first*, on the indirect amendment of Article 370(3) proviso via 370(1), and *secondly*, on the use of the Governor as a substitute for the elected assembly in a matter of *this* kind – I would submit that there are serious legal and constitutional problems with Presidential Order C.O. 272 – which, of course, forms the basis of both the statutory resolution and the Reorganization Act, 2019.

REHABILITATION OF KASHMIRI PANDITS: BIG CHALLENGE

In the year 1990, when the then Janta Dal headed by late Prime Minister V.P. Singh in which the present BJP was ally to the government, the Kashmiri Pandits were forcefully evicted & dispossessed of their respective houses as well as their families (woman & Children) were subjected to cruelty, rape, murder etc. and the government even did not show the political view to stop such a cruel & torturous act. It is noteworthy that present government dared to bring the law of J & K in line with rest of the country. However, we are yet to see the political will of the government to rehabilitate the Kashmiri Pandits to their respective homes else the very purpose of the bringing legislation (Reorganization Act'2019) would not serve any fruitful purpose.

AIM OF THE REORGANISATION

The Jammu and Kashmir Reorganization Act, 2019 was enacted to provide for the reorganization of the existing State of Jammu and Kashmir. Section 88 of the said Act provides that the members of the cadres of Indian Administrative Service, Indian Police Service and Indian Forest Service for the existing State of Jammu and Kashmir shall continue to function on the existing cadres. There is a huge deficiency of the officers of All India Services in the Union territory of Jammu and Kashmir. The developmental schemes, centrally sponsored schemes and other allied activities suffer due to non-availability of All India Officers in the existing cadres of the Jammu and Kashmir as such there is a requirement of merging it with Arunachal Pradesh, Goa, Mizoram, Union territories cadre so that the officers in this cadre can be posted in the Union territory of Jammu and Kashmir to meet out any deficiency to some extent. 2. In order to provide uniformity in the governance of all the Union territories and to further enhance efficiency in their administration, it is felt necessary to amend section 88 of the aforesaid Act so as to merge the existing cadre of Jammu and Kashmir with Arunachal Pradesh, Goa, Mizoram and Union territories (AGMUT) cadre in relation to the All-India Services namely, Indian Administrative Service, Indian Police Service and Indian Forest Service.

RECENT OBSERVATION OF SUPREME COURT

Now the issues of children's rights and safety are of grave concern in the State of Jammu & Kashmir. On 14th, Sep'2019, Hon'ble Supreme Court while hearing a Public Interest Litigation sought a report from the **J & K Juvenile Justice Committee** on the alleged detention and ill-

treatment of the children wherein the following points have to be replied by the state of Jammu and Kashmir.

1. Illegal detention of young boys by security forces.
2. Serious injuries & death of children through deliberate or accidental action by security forces.

In the case of **Aniruddh Bhasin v. Union of India and others**,⁴ the Aniruddh Bhasin, executive editor of Kashmir Times has challenged the communication blackout and media curfew imposed in the region of Jammu & Kashmir following the abrogation of special status of J & K, the Hon'ble Supreme Court on 16th Sep'2019 has observed that "keeping in mind the national interest & internal security, the state of Jammu & Kashmir shall make all endeavors to ensure that normal life is restored & people have access to health care facilities, schools, colleges, other educational institutions & public transport functions operates normally. All forms of communication, subject to overriding consideration of national security shall be normalized if required on a selective basis, particularly for health care facilities."

The Hon'ble Supreme Court while deciding the above case along with **Ghulam Nabi Azad v. Union of India and others**,⁵ has issued following directions:

- a. The Respondent State/competent authorities are directed to publish all orders in force and any future orders under Section 144 of the Code of Criminal Procedure, 1973 and for suspension of telecom services, including internet, to enable the affected persons to challenge it before the High Court or appropriate forum.
- b. The freedom of speech and expression and the freedom to practice any profession or carry on any trade, business or occupation over the medium of internet enjoys constitutional protection under Article 19(1)(a) and Article 19(1)(g). The restriction upon such fundamental rights should be in consonance with the mandate under Article 19 (2) and (6) of the Constitution, inclusive of the test of proportionality.

⁴ Writ Petition (Civil) No. 1031 of 2019 Decided on January 10,2020

⁵ Writ Petition (Civil) No. 1164 of 2019 Decided on January 10,2020

- c. An order suspending internet services indefinitely is impermissible under the Temporary Suspension of Telecom Services (Public Emergency or Public Service) Rules, 2017. Suspension can be utilized for temporary duration only.
- d. Any order suspending internet issued under the Suspension Rules, must adhere to the principle of proportionality and must not extend beyond necessary duration.
- e. Any order suspending internet under the Suspension Rules is subject to judicial review based on the parameters set out herein.
- f. The existing Suspension Rules neither provide for a periodic review nor a time limitation for an order issued under the Suspension Rules. Till this gap is filled, It was directed that the Review Committee constituted under Rule 2(5) of the Suspension Rules must conduct a periodic review within seven working days of the previous review, in terms of the requirements under Rule 2(6).
- g. It was directed that the respondent State/competent authorities to review all orders suspending internet services forthwith. h. Orders not in accordance with the law laid down above, must be revoked. Further, in future, if there is a necessity to pass fresh orders, the law laid down herein must be followed.
- h. In any case, the State/concerned authorities are directed to consider forthwith allowing government websites, localized/limited e-banking facilities, hospitals services and other essential services, in those regions, wherein the internet services are not likely to be restored immediately.
- i. The power under Section 144, of the Code of Criminal Procedure, 1973 being remedial as well as preventive, is exercisable not only where there exists present danger, but also when there is an apprehension of danger. However, the danger contemplated should be an
“emergency” and for the purpose of preventing obstruction and annoyance or injury to any person lawfully employed.
- j. The power under Section 144 of the Code of Criminal Procedure, 1973 cannot be used to suppress legitimate expression of opinion or grievance or exercise of any democratic rights.

- k. An order passed under Section 144 of the Code of Criminal Procedure, 1973 should state the material facts to enable judicial review of the same.
- l. The power should be exercised in a bona fide and reasonable manner, and the same should be passed by relying on the material facts, indicative of application of mind. This will enable judicial scrutiny of the aforesaid order.
- m. While exercising the power under Section 144 of the Code of Criminal Procedure, 1973, the Magistrate is duty bound to balance the rights and restrictions based on the principles of proportionality and thereafter, apply the least intrusive measure.
- n. Repetitive orders under Section 144 of the Code of Criminal Procedure, 1973 would be an abuse of power.
- o. The Respondent State/competent authorities are directed to review forthwith the need for continuance of any existing orders passed under Section 144 of the Code of Criminal Procedure, 1973 in accordance with law laid down above.

However, restoration of normalcy along with maintenance of law & order remains a disputed aspect. But even if the normalcy is not restored the contempt proceeding cannot be initiated against the government as there is a rider in the observation itself. Trail commenced against Yashin Malik in murder cases of Air force personnel in the year of 1990 which could not commenced till now.⁶ The Public Safety Act cases have been drastically reduced to 23% of that in 2016.

Scope of Legal Research

- 1. Status of special laws like, J & K Public Safety Act' 1978, Ranbir Penal Code, Criminal Procedure, Civil Procedure, Constitution of J & K etc. especially in respect of the offences committed prior to the amendment.
- 2. Continuing of the trials of the cases pending since long against the cases like Yasin Malik's case.

⁶ Times of India, September 23, 2019

3. Status of Pakistan occupied Kashmir
4. Status of Aksai Chin (China occupied Kashmir)
5. Status of Line of Control & actual line of Control
6. Rehabilitation of Kashmiri Pandits